IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7198 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MISS MAYA DAUGHTER OF MPG KURUP

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7198 of 1985

MR KS NANAVATI for Petitioner No. 1

MR DS PANDIT, AGP for Respondent No. 1-2

..... for Respondent No. 3

MS MAITHILI D MEHTA for MR MITUL K SHELAT for Respondent No. 4-5

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 29/08/2002

ORAL JUDGEMENT

1. The petitioner herein has made a grievance that though she has eligible to have admission to degree course in engineering in either the M.S. University of Baroda or in the L.D. Engineering College at Ahmedabad, she has been wrongly denied the admission on the ground that she does not fulfill the requisite criteria for admission to the said course.

2. According to the petitioner, she had passed the examination conducted by the Board of Intermediate Education, Hyderabad, State of Andhra Pradesh with the following subjects, namely, mathematics, physics theory, physics practical, chemistry theory and chemistry practical and had secured 75.4% marks. In the month of April 1985 her father, who was the then Executive Director of National Dairy Development Board, was transferred to Anand in the State of Gujarat. She, therefore, applied for admission in the course of engineering giving M.S. University as the first choice and the Gujarat University as the second. In the application form she had exercised the option for the B.E. Computer Science or B.E. Electronics. Considering the rules of the concerned Universities which are respondents nos. 4 and 5 to this petition, the petitioner entertained a reasonable apprehension that as per rules 1(2), 1(4), 2(1), 2(2) to 2 (8) appearing in the prospectus of the said Universities, she would not be eligible for the admission to the said courses as she did not fulfill the requisite criteria. All efforts to seek some relaxation in the rules, as a special case, proved futile. Even the Hon'ble Chief Minister was requested by the Chairman of the Indian Dairy Corporation by filing representation but it did not yield any fruitful result. Ultimately, as a last resort, she has approached this Court.

3. Mr. Gandhi, learned counsel for the petitioner submits that he does not have any information with regard to the present position since the admission which was sought for by the petitioner was in the year 1985.

3.1. Ms. Maithili D. Mehta, learned counsel appearing for respondents nos. 4 and 5 Universities has submitted that apart from the petition having become infructuous with efflux of time, on merits also the petitioner does not have any case. She drew my attention to the relevant provisions of the rules and also the subjects which the petitioner had opted for in the aforesaid examination and submitted that since the petitioner had not cleared the examination with biology as a subject, she did not fulfill the criteria of having

passed the relevant examination with science group. She further submitted that so far the engineering college affiliated to the Gujarat University is concerned, biology is one of the subjects in which the proposed candidate should have appeared and cleared it. Ms. Mehta has further contended that the say of the petitioner that these rules are ultra-vires, has no merits. According to her, this Court in a case of Ritu Agrawal v. State of Gujarat reported in 1993 (2) G.C.D. at page 420 has held that the rules prescribing qualification for getting admission to engineering course have the statutory force and the Universities are authorized to prescribe science group of subjects for admission to engineering course and they are also entitled to include the necessary subject which may form the science group. Such action of the Universities cannot be said to be arbitrary or ultra-vires.

4. Having given careful consideration to the submissions made by Ms. Mehta, they appear to be correct and in consonance with the rules which have been referred to above and law laid down by this Court. However, considering the fact that the petitioner had sought admission way back in the year 1985 and now with the passage of time, it can safely be presumed that grievance made by the petitioner no more exists. If that be so, this petition now does not have any purpose and it can be disposed of on the sole ground of it having become infructuous. Therefore, without entering into other merits of the contentions raised by the petitioner as well as respondents, this petition is dismissed solely on the ground of it having become infructuous. Petition is dismissed. Rule discharged.

[Akshay H. Mehta, J.]

* Pansala.